

**PATENT APPLICATION DECLARATION**

(Attorney's Docket No.: 3100.002US1)

Each of the Applicants named below hereby declares as follows:

1. My residence, post office address and country of citizenship given below are true and correct.

2. I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought in the patent application entitled "ENDODERM, CARDIAC AND NEURAL INDUCING FACTORS," Serial No. 08/878,474, filed June 18, 1997, and I have reviewed and understand the contents of the specification, including its claims.

3. I acknowledge my duty to disclose to the Office all information known to me to be material to patentability of this application, in accordance with 37 C.F.R. Section 1.56, which is defined on the attached page.

4. This application claims the benefit of U.S. Provisional Application No. 60/020,150, filed June 20, 1996. I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, as defined in §1.56, which occurred between the filing date of the prior application and the filing date of this application.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: Feb 22, 1999

*Ed M. De Robertis*

Residence and  
Post Office Address: Edward M. De Robertis  
16958 Dulce Ynez Lane  
Pacific Palisades, California 90272  
(Citizenship: U.S.A.)

Date: 22 - 2 - 99

*T. Bouwmeester*  
Tessis Bouwmeester  
Ploegk 56  
69117 Heidelberg, Germany  
(Citizenship: The Netherlands)

## **Section 1.56 Duty to Disclose Information Material to Patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

- (i) Opposing an argument of unpatentability relied on by the Office, or
- (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

**PATENT APPLICATION DECLARATION**  
(Attorney's Docket No.: 3100.002US1)  
(UC Case No.: LA96-092-01)

Each of the Applicants named below hereby declares as follows:

1. My residence, post office address and country of citizenship given below are true and correct.
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Date: 09/18/97Residence and  
Post Office Address:

Edward M. De Robertis  
16958 Dulce Ynez Lane  
Pacific Palisades, CA 90272  
(Citizenship: U.S.A.)

Date: 09/18/97Residence and  
Post Office Address:

Tewis Bouwmeester  
827 Loring Avenue, Apt. #708  
Los Angeles, California 90024  
(Citizenship: The Netherlands)

## **Section 1.56 Duty to Disclose Information Material to Patentability.**

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Date: 8/31/98

E. De Robertis

Edward M. De Robertis  
16958 Dulce Ynez Lane  
Pacific Palisades, California 90272  
(Citizenship: U.S.A.)

Date: 9/4/98

Tewis Bouwmeester \*

Residence and Post Office Address: 827 Levering Avenue, Apt. #708  
Los Angeles, California 90024  
(Citizenship: The Netherlands)

\* New address: Tewis Bouwmeester

Ploegk 56  
69117 Heidelberg, Germany  
Postfach 1111, Netherlands

Serial No.: 08/878,474

**Section 1.56 Duty to Disclose Information Material to Patentability.**

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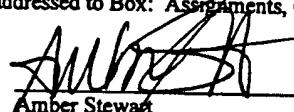
(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: De Robertis et al.      Examiner: Not yet assigned  
Serial No. 09/552,988      Art Unit: 1646  
Filed April 21, 2000      Docket: 510015-248  
Due Date: n/a  
Title: ENDODERM, CARDIAC AND NEURAL INDUCING FACTORS

**CERTIFICATE UNDER 37 CFR 1.8**

I hereby certify that this correspondence and identified enclosures are being deposited with the United States Postal Service, first class mail, postage prepaid, under 37 C.F.R. 1.8 on the date indicated, and is addressed to Box: Assignments, Commissioner for Patents, Washington, D.C. 20231 on January 17, 2001.

  
Amber Stewart

Box: Assignments  
Commissioner for Patents  
Washington, D.C. 20231

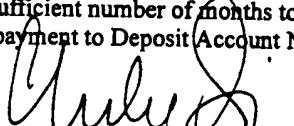
Sir:

We are transmitting herewith the attached:

- Transmittal Sheet in duplicate containing Certificate of Mailing
- Assignment of the invention to The Regents of the University of California and Recordation Form Cover Sheet
- Check in the amount of \$40.00 to cover assignment recordation fee
- Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 16-2230. A duplicate of this sheet is enclosed.

OPPENHEIMER WOLFF & DONNELLY LLP  
2029 Century Park East, 38th Floor  
Los Angeles, CA 90067-3024  
(310) 788-5000

By: 

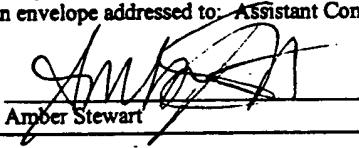
Name: Charles Berman  
Reg. No.: 29,249  
CB/as

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: De Robertis et al. Examiner: Unknown  
Serial No. 09/552,988 Group Art Unit: 1646  
Filed: April 21, 2000 Docket No. 510015-248  
Title: ENDODERM, CARDIAC AND NEURAL INDUCING FACTORS

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper and its enclosures are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on December 5, 2000

  
Amber Stewart

REVOCATION AND SUBSTITUTE POWER OF ATTORNEY

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In the matter of the above-identified application, I hereby revoke all power of attorney heretofore given and hereby appoint:

Charles Berman, Reg. 29,249  
Louis J. Bovasso, Reg. 24,075  
Marc E. Brown, Reg. 28,590  
Christopher Darrow, Reg. 30,166  
Michael B. Farber, Reg. 32,612  
Scott R. Hansen, Reg. 38,486  
Michael D. Harris, Reg. 26,690  
Douglas N. Larson, Reg. 29,401  
Spyros J. Lazaris, Reg. 45,981  
Sung Oh, Reg. P45,583  
David J. Oldenkamp, Reg. 29,421  
William Poms, Reg. 18,782  
Alan C. Rose, Reg. 17,047  
Charles Rosenberg, Reg. 31,464

Guy P. Smith, Reg. 20,142  
Ronald S. Tamura, Reg. 43,179  
Gregory B. Wood, Reg. 28,133  
Daniel Chapik, Reg. 43,424  
Harold D. Jastram, Reg. 19,777  
Alan D. Kamrath, Reg. 28,227  
Chad Klingbeil, Reg. 33,002  
Craig J. Lervick, Reg. 35,244  
Cyrus Morton, Reg. 44,954  
Bruce Canter, Reg. 34,792  
Louis C. Cullman, Reg. 39,645  
Monique Heyninck, Reg. P44,763  
James W. Inskeep, Reg. 33,910

Kurt A. MacLean, Reg. 31,118  
Ben H. Bedi, Reg. 39,904  
Everitt George Beers, Reg. 40,508  
Michael K. Bosworth, Reg. 28,186  
Justin F. Boyce, Reg. 40,920  
Chris W. Chou, Reg. 41,672  
Anthony B. Diepenbrock III, Reg. 39,960  
Robert O. Guillot, Reg. 28,852  
Claude A.S. Hamrick, Reg. 22,586  
Esther La, Reg. 43,734  
Leah Sherry, Reg. 43,918  
Marc Bobys, Reg. 45,267

whose address is:

**OPPENHEIMER WOLFF & DONNELLY LLP**

2029 Century Park East, 38th Floor  
Los Angeles, California 90067-3024  
Telephone (310) 788-5000  
Telefax (310) 788-5100  
Attention: Krista Vink Venegas

to represent the undersigned before the United States Patent and Trademark Office and to make or receive payments on behalf of the undersigned. Please direct all future correspondence and telephone calls to:

**OPPENHEIMER WOLFF & DONNELLY LLP**

2029 Century Park East, 38th Floor  
Los Angeles, California 90067-3024  
Telephone (310) 788-5000  
Telefax (310) 788-5100  
Attention: Krista Vink Venegas

Name: Linda S. Stevenson

November 27, 2000

Date

Title: Manager, Patent Prosecution

UC Case No. 96-592- 3

LA: 263614 v01 11/17/2000

Receipt is hereby acknowledged for the following U.S. Patent and Trademark Office:

In re Patent of: De Robertis et al.  
For: ENDODERM, CARDIAC AND NEURAL INDUCING FACTORS  
Serial No.: 09/552,988  
Filed: April 21, 2000  
Docket: 510015-248

Date of Deposit: December 5, 2000 Due Date: N/A

Transmittal sheet, in duplicate, containing Certificate of Mailing  
 Revocation and Substitute Power of Attorney

CB/as

Receipt is hereby acknowledged for the following U.S. Patent and Trademark Office:  
In re Patent of: De Robertis et al.  
For: ENDODERM, CARDIAC AND NEURAL INDUCING FACTORS  
Serial No.: 09/552,988  
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 Revocation and Substitute Power of Attorney

CB/as



OCT 15 2000  
U.S. PATENT & TRADEMARK OFFICE  
WASH. D.C.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APRIL 10, 2001

PTAS  
OPPENHEIMER WOLFF & DONNELLY LLP  
CHARLES BERMAN  
2029 CENTURY PARK EAST, 38TH FLOOR  
LOS ANGELES, CA 90067-3024



\*101601052A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/22/2001

REEL/FRAME: 011469/0424

NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

DEROBERTIS, EDWARD M.

DOC DATE: 12/07/2000

ASSIGNOR:

BOUWMEESTER, TEWIS

DOC DATE: 12/08/2000

ASSIGNEE:

REGENTS OF THE UNIVERSITY OF  
CALIFORNIA, THE  
1111 FRANKLIN STREET, 5TH FLOOR  
OAKLAND, CALIFORNIA 94607-5200

SERIAL NUMBER: 09552988  
PATENT NUMBER:

FILING DATE: 04/21/2000  
ISSUE DATE:

DOCKETED

APR 18 2001

OWD-LA

RECEIVED

APR 17 2001

OWD

PAULA MCCRAY, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

FORM PTO-1595  
(Rev. 6-93)  
OMB No. 0651-0011 (exp. 4/94)  
Docket No. 30962.2-US-U1

01-31-2001



EET

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

101601052

To the Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Edward M. DeRobertis  
Tewis Bouwmeester

2. Name and address of receiving party(ies):

The Regents of the University of California  
1111 Franklin Street, 5<sup>th</sup> Floor  
Oakland, California 94607-5200

1. 22.01

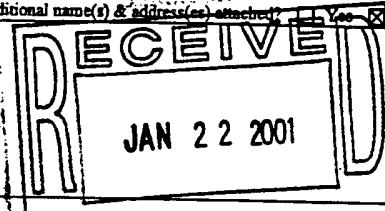
Additional name(s) of conveying party(ies) attached?  Yes  No

3. Nature of conveyance:

Assignment       Merger  
 Security Agreement       Change of Name  
Other:

Execution Date: December 7, 2000 and December 8, 2000

Additional name(s) & address(es) attached?  Yes  No



4. Application number(s) or patent number(s): 09/552,988

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s) 09/552,988

B. Patent No.(s)

5. Name and address of party to whom correspondence concerning Additional numbers attached?  Yes  No

document should be mailed:

6. Total number of applications and patents involved: 1

Name: Charles Berman, Esq.  
Address: OPPENHEIMER WOLFF & DONNELLY LLP  
2029 Century Park East, 38<sup>th</sup> Floor  
Los Angeles, CA 90067-3024

7. Total fee (37 CFR 3.41): \$40.00

Enclosed  
 Authorized to be charged to deposit account

8. Please charge any additional fees or credit any overpayments to our Deposit account number: 16-2230

DO NOT USE THIS SPACE

9. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Charles Berman

Name of Person Signing

Signature

January 17, 2001

Date

Total number of pages including cover sheet, attachments, and document: 2

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Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks  
Box Assignments  
Washington, D.C. 20231

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01/30/2001 6TOM11 00000195 09552988

01 FC:581

40.00 DP

LA: 269575 v01 01/17/2001

ASSIGNMENT

U.C. Case No. 2001-054-1

For good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR(S).

1. Edward M. DeRobertis      2. Lewis Bourassa

hereby sells, assigns and transfers to ASSIGNEE, The Regents of the University of California, a California Corporation, having its statewide administrative offices located at 1111 Franklin Street, 5th Floor, Oakland, CA 94607-5200, and the successors, assigns and legal representatives of the ASSIGNEE all of its right, title and interest for the United States and its territorial possessions and in all foreign countries in and to, any and all improvements which are disclosed in the invention entitled:

**ENDODERM, CARDIAC AND NEURAL INDUCING FACTORS**

and which is found in

(a) \_\_\_\_\_ U.S. provisional application filed herewith and listing the above named persons as inventors  
(b) \_\_\_\_\_ U.S. patent application filed herewith and listing the above named persons as inventors  
(c) x U.S. application serial no. 09/152,988, filed on April 21, 2000  
(d) \_\_\_\_\_ U.S. Patent No.: \_\_\_\_\_, issued \_\_\_\_\_

and any legal equivalent thereof in a foreign country, including the right to claim priority and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, continuation-in-part, extension, conversion to 35 USC 111(a) or substitute thereof, and any reissue, reexamination or extension of said Letters Patent and all rights under all International Conventions for the Protection of Industrial Property;

ASSIGNOR(S) hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR(S) further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalent as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation, or proceeding relating thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue or enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof. An attorney of record is authorized and requested by the execution of this assignment to insert into this assignment the filing date and serial number of said application when officially known.

AND the ASSIGNOR(S) requests the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States an any reissue or extension thereof to the ASSIGNEE, The Regents of the University of California.

executed this

7 day of December, 2000

Signature of Inventor(s)

Edward M. DeRobertis

executed this

8 day of December, 2000

Signature of Inventor(s)

Taylor R. Bourassa

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: De Robertis et al.      Examiner: Not yet assigned  
Serial No. 09/552,988      Art Unit: 1646  
Filed April 21, 2000      Docket: 510015-248  
Due Date: n/a  
Title: ENDODERM, CARDIAC AND NEURAL INDUCING FACTORS

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**CERTIFICATE UNDER 37 CFR 1.8**

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Amber Stewart

Commissioner for Patents  
Washington, D.C. 20231

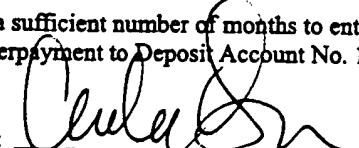
Sir:

We are transmitting herewith the attached:

- Transmittal Sheet in duplicate containing Certificate of Mailing
- Revocation and Substitute Power of Attorney
- Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 16-2230. A duplicate of this sheet is enclosed.

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By: 

Name: Charles Berman  
Reg. No.: 29,249  
CB/as